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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,881	08/13/2001	Konstantin Konson	DE920000074US1	8141

48115 7590 02/03/2006

HOLLAND & KNIGHT LLP  
701 BRICKELL AVE  
SUITE 3000  
MIAMI, FL 33131

EXAMINER

TSAI, SHENG JEN

ART UNIT	PAPER NUMBER
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2186

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/928,881		KONSON ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Sheng-Jen Tsai		2186	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This Office Action is taken in response to Applicants' Appeal Brief filed on December 5, 2005 regarding application 09/928,881 filed on August 13, 2001.

2. Claims 1-24 are pending in the application under consideration.

3. ***Response to Appeal Brief***

Applicants' appeal brief has been fully and carefully considered.

In response, all claim rejections under 35 U.S.C 102 (b) based on Reiter et al. (US 5,752,243) have been withdrawn.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. As to independent claim 1, it first recites the limitation of "retrieving from said persistent storage a second list comprising second reference to blocks, whereby said blocks contain an object description."

The wording of this limitation suggests that there is only one object description for said blocks. However, other portions of the disclosure seem to indicate that there is an object description associated every block. For instance, independent claim 14 recites "creating an object description for an object by saving values owned by the object of the variables belonging to its class into said allocated block." The Specification of the

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disclosure also mentions this aspect. Thus, the examiner adopts the interpretation of "an object description is associated with every block."

Second, claim 1 also recites the following limitation:

"creating an object in said the volatile memory using said the object description from said segment and saving a new address of said the created object in said the second list in volatile memory;"

Since a segment contains a plurality of blocks (as the disclosure indicates that a block is a portion of a segment), and because it has been established earlier that there is an object description associated with each block, therefore there are a plurality of object descriptions associated with a segment. The limitation states "using said object description from said segment to create an object," but it is not clear as to which object description (there are a plurality of object descriptions in a segment because there are a plurality of blocks, each has its own object description, in a segment) from the segment that would be used to create an object. Clarification is required.

Third, claim 1 further recites the following limitation:

"initializing said new object with values taken from said the object description;"

The element "said new object" lacks antecedent basis. Up to this point, claim 1 has recited "segments," "blocks," "a first list," "a second list," and "said created object," but is silent regarding "new object." Are "said created object" and "said new object" the same entity, or different entities? If they are different entities, what is this "said new object?" Clarification is required.

Forth, claim 1 recites yet another limitation:

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“determining said the new addresses of said new object referenced by the newly-created object and setting said new address as the reference in said new object.”

The element “said new object” lacks antecedent basis, as explained above. Further, this limitation states “determining said the new addresses of **said new object** referenced by **the newly-created object**.” Are “said new object” and “said new object” the same entity, or different entities? If they are the same entity, how can the same entity referenced by itself as recited in the claim. If they are different entities, what is this “said new object?” Clarification is required.

Claims 2-13 are rejected by virtue of their dependency from claim 1.

7. As to independent claim 14, which recites the limitation of “creating an object description for an object by saving values owned by the object of the variables belonging to its class into said the allocated block; adding a new element to said the second list containing the particular reference to said object description; determining the address of another object description of another object referenced in said object; setting the address of said respective object description as the reference in the created object description;”

First, the term “the particular reference to said object description” lacks antecedent basis.

Second, the sequence of the operations described in this claim indicates that the object description is newly created, yet the second list already contains the particular reference to said object description. Clarification is required.

Third, the sequence of the operations described in this claim recites “determining **the address** of another object description of another object referenced in said object;” but is silent regarding **the address** of “the newly created object description.” Thus, the subsequent reciting of “setting **the address** of said respective object description” lacks antecedent basis, as only the address of another object description has been established, and not the address of the newly created object description. Clarification is required.

Claims 15-23 are rejected by virtue of their dependency from claim 14.

8. As to independent claim 24, which recites the limitation of  
“creating an object description for an object by saving values owned by the object of the variables belonging to its class into said the allocated block;  
adding a new element to said the second list containing the particular reference to said object description;  
determining the address of another object description of another object referenced in said object;  
setting the address of said respective object description as the reference in the created object description;”

First, the term “the particular reference to said object description” lacks antecedent basis.

Second, the sequence of the operations described in this claim indicates that the object description is newly created, yet the second list already contains the particular reference to said object description. Clarification is required.

Third, the sequence of the operations described in this claim recites "determining **the address** of another object description of another object referenced in said object;" but is silent regarding **the address** of "the newly created object description." Thus, the subsequent reciting of "setting **the address** of said respective object description" lacks antecedent basis, as only the address of another object description has been established, and not the address of the newly created object description. Clarification is required.

The merits of patentability of claims 1-24 are not further analyzed in this Office Action, pending clarifications from Applicants.

### ***Conclusion***

9. Claims 1-24 are rejected as explained above.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheng-Jen Tsai whose telephone number is 571-272-4244. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheng-Jen Tsai  
Examiner  
Art Unit 2186

January 24, 2006

  
PIERRE BATAILLE  
PRIMARY EXAMINER  
1/30/06